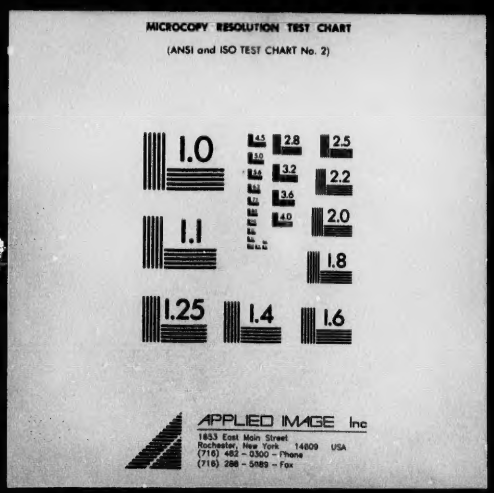
MICROCOPY RESOLUTION TEST CHART
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# A REPRESENTATION TO THE PUBLICK,

## Of Affairs between GILBERT BARKLY of *Philadelphia*, and JOHN HAY of *Quebec*.

In *June* or *July* 1762, Mr. *Hay*, at the particular Desire of *Gilbert Barkly*, brought with him to *Philadelphia*, to be laid before him, a State of their Affairs in *Canada*, after Perusal of which, a Settlement of Accompts was made, and signed by both Parties, and a mutual Obligation executed before Witnesses passed between them; wherein *Gilbert Barkly* reserves the Revisal of their Affairs in *Canada* to himself, as the immediate Settlement was only from a short Abstract brought by Mr. *Hay* from the Books, and not satisfactory to the said *Gilbert Barkly*. Mr. *Hay* by this Writing was impowered to dispose of the Goods on Hand in *Canada*, at publick Vendue, in the Space of six Months after the Date of the Obligation, if not sold before at private Sale, in Order to enable him to remit *Gilbert Barkly* a certain Sum of Money; and in End, *Gilbert Barkly* obliges himself to pay the said *John Hay* Two Hundred and Forty Pounds *Quebec* Currency, for his Share of Profits gained at *Louisburg*, which Mr. *Hay* agreed should be in full of all Demands, and that the same should be deducted out of a larger Sum due to *Gilbert Barkly* by the said *John Hay*, "in Consideration whereof Mr. *Hay* resigns, in Favour of the said *Gilbert* "*Barkly*, all Pretension he had to any Part of the Goods, Debts, Effects and Profits gained at "*Louisbourg*."

After which Mr. *Hay* proceeds to *Quebec*, and when the Six Months he was limitted to in the aforesaid Obligation was expired, he went from *Quebec* to *Montreal*, sells off at Vendue all the Stock of Goods belonging to the Company on Hand at that Place, the principal Part of which bought by his own Agents for his private Accompt, and no Intelligence thereof given by him to *Gilbert Barkly*: In the same Manner the Brew-house, Distillery, and Stock of Goods on Hand at *Quebec*, were sold off, with the utmost Diligence, at Vendue, and the principal Articles bought by his own Agents for his private Accompt, and in whose Possession to this Day the Distillery and Brew-houses at *Quebec* and *Montreal* continue, out of which Subjects a very inconsiderable Sum was remittted *Gilbert Barkly*, though many Letters were sent, and *James Skinner* (my own Clerk) sent as an Express to acquaint Mr. *Hay* of my being in the greatest Need and Want of Money.

In *October* 1763, the Vendue Accompts were remitted by him to *Gilbert Barkly*, and with them a stated Accompt Current, dated the Twenty-sixth of the same Month, signed by Mr. *Hay*, and in which Accompt one Article at *Gilbert Barkly*'s Debit stands as follows, *viz.* "To *John* "*Hay*'s Share of Profits gained at *Louisbourg*, as agreed, to be paid him per a mutual Obligation, "signed at *Philadelphia* the 25th of *October*, 1762, Two Hundred and Forty Pounds."

The impartial World is desired to judge, after perusing this Narrative, and what has been done in Consequence of this Writing passed between them at *Philadelphia*, what Right Mr. *Hay* has for desiring it should be cancelled, or from what Motive his Counsel advises him to demand it.

In Consequence of the just Right *Gilbert Barkly* had of perusing the Books kept at this Place in Name of *Barkly & Hay*, he arrived at *Quebec* the 22d Day of *June* last, and a few Days thereafter demanded the Books: Mr. *Hay* delivered him a Set of Books keeped by himself, which he called his principal Books, a Set of Books keeped at the Brew-house in *Quebec*, and others keeped at a Store in the Lower-Town by *George Young*; he also delivered Books keep'd at the *Three-Rivers*, by *Brown* and *Sanguinet*, and a Set after they left that Place keep'd by *George Richan*, as also Books keep'd at the Brewhouse in *Montreal*, and a Set keep'd by *George Young* while he managed Affairs at that Place, and Accompts of Sales rendered by Mr. *Knipe*, *George Young*, &c. *Gilbert Barkly*, with all the Attention he was Master of, continued to revise what was called the principal Books, and found by many concurring Circumstances that they were Books made out on Purpose to amuse and defraud him of his real Interest and Property: He went to Mr. *Hay* and told him he must not dare to put upon him in that Manner, and demanded the real Books, which with some Hesitation Mr. *Hay* delivered to him.

After

AFTER which *Gilbert Barkly* compared the Sales of Goods in the real Waſte-book, with thoſe in the Waſte-book given him at his Arrival, and was aſtoniſhed to find wide Strides taken to defraud him; he told Mr. *Hay* of this, and deſired he ſhould compare the Books with him, which was done for two Days, and ſuch glaring Attempts found out, that it was reckoned neceſſary to poſt up regular Books from the real Waſte-books, and deſired Mr. *Hay* to exert himſelf in procuring an able Book-keeper for that Purpoſe, which he promiſed to do; ſeverals were ſpoke to, but (for what Reaſon I know not) none could be found to take the Taſk in Hand, at laſt I found one, and began the arduous Taſk. *George Richan* took one Year's Books in Hand, *James Skinner* (my own Clerk) took another Year's, and myſelf took a third. Mr. *Hay* was told that this was an Affair of Conſequence to him as well as me, and requeſted of him to give his Attention thereto; he pretended Buſineſs, and moſteſtly propoſed to me to return to *Philadelphia*, and come back in the Winter, when he would be at Leiſure to give his Attention: This modeſt Requeſt was not ſuitable to my Inclination, and as he found himſelf a Man of ſuch Conſequence, I deſired that his Clerk, *James Todd*, ſhould attend, which was GRACIOUSLY granted, and has been preſent the moſt conſiderable Part of the Time we continued at Work, which was between Six and Seven Weeks

ON *Sunday* Night, the Second Inſtant, I paſſed the Evening at the Houſe of Mr. *John Ord*, Merchant of this City; the Keys of my Room in which the Books and Papers lay, which was my Bed-room, in my Servant's Pocket; I came Home and went to Bed; the next Morning *George Richan* and *James Skinner* came into my Room in Order to go to Work, when they aſtoniſhed me by telling me all the Books and Papers, put into our Hands by Mr. *Hay*, were conveyed away, as alſo a Set poſted up by myſelf, and a Set poſted up by *George Richan* out of *George Young*'s Books.

I BEING then in Bed, got up and dreſſed myſelf, went to Mr. *Hay*'s Room, aſked him, "What could induce him to commit ſuch an unprecedented Action, and requeſted him not to "expoſe himſelf, but return the Books:" He told me, "he was not in a Condition to be ſpoke "with, and refuſed to grant my Requeſt."

I THEREAFTER applied to *John Moriſon*, Eſq; my Counſellor, and told him the Particulars of what happened, and requeſted of him to apply to Mr. *Hay*, and tell him I was ready to refer the Affair to Six or Seven honeſt Men, his own Fellow-Citizens: This was agreed to by both Parties, the Gentlemen's Names mentioned, and the Bonds of Arbitration wrote, agreeable in all Reſpects to Mr. *Hay*'s own Deſire: We met at his Houſe in Order to have them ſigned, and when it came to the Puſh he abſolutely refuſed to comply.

GILBERT BARKLY.

QUEBEC.

BE *it remembered, That on the Eighteenth Day of* September, *in the Fourth Year of the Reign of our Sovereign Lord King* GEORGE *the Third*, Annoq; Domini, *One Thouſand Seven Hundred and Sixty-four, Before Me*, WILLIAM GREGORY, *Eſquire, Chief-Juſtice of the Province of* QUEBEC, *perſonally came and appeared* Gilbert Barkly *of* Philadelphia, *Merchant, now in* Quebec, *and made Oath on the Holy Evangeliſts, That all and every Part of what is contained in the foregoing Writing, intitled,* "A Repreſentation to the Publick, of Affairs between "*Gilbert Barkly* of *Philadelphia*, and *John Hay* of *Quebec*," *is juſt and true.——And further this Deponent ſaith not.*

Sworn before Me,

WILLIAM GREGORY, *Ch: Juſ:*

THIS Day perſonally appeared before Me, WILLIAM GREGORY, Eſquire, Chief-Juſtice of the Province of *Quebec*, the following Perſons, *George Richan* and *James Skinner*, who ſolemnly, ſincerely and truly declare, That there was in the Bed-room of *Gilbert Barkly*, Merchant of *Philadelphia*, who lodged in the Houſe of *John Hay*, Merchant in this City, the following Books, *viz.* A Waſte-book, Journal and Ledger, carried on in the Name of *Barkly & Hay*, called by *John Hay* his principal Books, and a Set keep'd at the Brew-houſe of this Place, a Set keep'd at a Store in the Lower-Town by *George Young*, a Set keep'd at *Three Rivers* by *Brown* and *Sanguinet*, and after their Departure from ſaid Place, a Set keep'd by *George Richan*, as likewiſe a Set keep'd at the Brew-houſe in *Montreal*, a Set keep'd by *George Young* while he managed Buſineſs there, as alſo Accompts of Sales rendered by *Francis Knipe* and *George Young*, together with an Invoice-book of Importation and Exportation, keep'd by *John Hay*, in the Name of *Barkly* and *Hay*.

WE alſo had in our Poſſeſſion, in ſaid Bed-room of *Gilbert Barkly*, three Waſte-books and two Ledgers, which laſt mentioned Set of Books we diſcovered, by many convincing Circumſtances, to be the original Books keep'd in the Name of *Barkly & Hay* by the ſaid *John Hay*.

WE

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We the ſaid Deponents do hereby further declare, That each of us took one of the real Waſte-books in Order to form a juſt Set of Books therefrom, and *Gilbert Barkly* took the other Waſte-book for the ſame Purpoſe; and by comparing the Waſte-books firſt given in to *Gilbert Barkly* with the real Waſte-books, we found them differ in Articles and Prices: The Waſte-books of the Sets called the principal Books, being conſiderably in the Sales of Goods lower than the Prices the ſame Goods ſold by the Waſte-books and real Tranſactions, which the Books themſelves will teſtify, and which to us ſeemed a deſigned Fraud; ſome Bills of Exchange bought by *John Hay* at a lower Exchange than what they were charged *Gilbert Barkly* when remitted to him, which appears by the firſt Books delivered him, which he calls his principal Books, and many convincing Proofs of Fraud which at that Time appeared clear to us, and which we now cannot recolect.

During the Courſe of our poſting from the ſaid Waſte-books, ſome Entrys appeared dark to us; *Gilbert Barkly*, in Order to clear up the ſame, earneſtly requeſted of *John Hay* (in our Preſence) that he the ſaid *John Hay* would give his Attendance to the poſting of the Books, as it was a Matter of Conſequence to both, which *John Hay* declined by pretending Buſineſs.

Soon after, *James Todd* (Clerk to the ſaid *John Hay*) came to aſſiſt us, and continued the moſt conſiderable Part of the Time we were at Work, which was between Six and Seven Weeks; but your Deponents finding that they had no occaſion for the ſaid *James Todd*'s Aſſiſtance, acquainted *Gilbert Barkly* thereof, which was anſwered by him, "That it was not for his Aſſiſtance that he "requeſted his Preſence with us, but only that he might be a Witneſs of the Juſtice done to the "ſaid *John Hay* in poſting up the ſaid Books."

On *Sunday* Evening, being the 2d Inſtant, we locked the Room, leaving all the Books and Papers there, *James Skinner*, one of your Deponents, delivered the Key thereof to *John Roſs*, Servant to the ſaid *Gilbert Barkly*, and next Morning, being the 3d Inſtant, we went to ſaid Room in Order to go to Work, and not finding the Books and Papers in the Place where we left them, we aſked the ſaid *Gilbert Barkly* if he knew where they were, to which he replied, "are they "not there?" We anſwered him, "they are not," upon which he immediately got out of Bed, and ſaid, "this is what I ſuſpected," and after dreſſing himſelf went out of the Room. Upon a further Search, we likewiſe found that a Set of Books poſted by *Gilbert Barkly*, as alſo a Set poſted by *George Richan* out of *George Young*'s Books, were alſo miſſing.

George Richan,
James Skinner,

*Sworn before Me, this* 18*th*
*Day of* September, 1764,

WILLIAM GREGORY, *Ch: Juſ:*

PERSONALLY appeared before Me, WILLIAM GREGORY, Eſquire, Chief-Juſtice of the Province of *Quebec*, *John Roſs*, who ſolemnly, ſincerely and truly declares, That he received the Key of *Gilbert Barkly*'s Bed-room (in which he ſaw many Books and Papers lying) from *James Skinner*, on *Sunday* Evening the 2d Inſtant, and that no Perſon demanded the Key of him, nor had any Acceſs by his Permiſſion till *Gilbert Barkly* came Home in Order to go to Bed, which was about Ten or Eleven o'Clock at Night.

John Ross.

*Sworn before Me, this* 18*th*
*Day of* September, 1764,

WILLIAM GREGORY, *Ch: Juſ:*